



General Assembly

February Session, 2002

***Raised Bill No. 5578***

LCO No. 1837

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING UNEMPLOYMENT COMPENSATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-229 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) An eligible individual who is partially unemployed throughout a  
4 week, which shall be, at the discretion of the administrator, either a  
5 calendar week or a payroll week of seven consecutive days as  
6 determined by the administrator, shall be paid with respect to such  
7 week an amount equal to [his] such individual's benefit rate for total  
8 unemployment reduced by an amount equal to two-thirds, rounded to  
9 the next higher whole dollar, of the total remuneration, rounded to the  
10 nearest whole dollar, of any nature payable to [him] such individual  
11 for services of any kind during such week, except service performed in  
12 the employ of any town, city or other political subdivision, which  
13 service is performed in lieu of payment of any delinquent tax  
14 payments to such town, city or other political subdivision. An  
15 individual shall be deemed to be partially unemployed in any week of  
16 less than full-time work if the total remuneration of any nature payable  
17 to [him] such individual for services of any kind during such week,

18 except service performed in the employ of any town, city or other  
19 political subdivision, which service is performed in lieu of payment of  
20 any delinquent tax payments to such town, city or other political  
21 subdivision, amounts to less than one and one-half times [his] such  
22 individual's benefit rate for total unemployment rounded to the next  
23 highest dollar.

24 (b) For purposes of this section, remuneration [shall also include]  
25 also includes any holiday pay payable with respect to any such week,  
26 whether or not any service was performed during such week or was in  
27 any other way required for receipt of such holiday pay.

28 (c) For purposes of this section, the administrator shall consider  
29 earnings derived from self-employment, but only to the extent such  
30 earnings are actually received or payable with respect to a given week  
31 of partial unemployment.

32 (d) For purposes of this section, an individual who is seeking only  
33 part-time employment for at least twenty hours per week due to a  
34 physical or mental impairment or combination of impairments,  
35 documented by a physician licensed to practice in this state, is  
36 considered "partially unemployed" only with respect to a week during  
37 which the individual was employed fewer than twenty hours.

38 Sec. 2. Section 31-231a of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective July 1, 2002*):

40 (a) For a construction worker identified pursuant to regulations  
41 adopted in accordance with subsection (c) of this section, the total  
42 unemployment benefit rate for the individual's benefit year  
43 commencing on or after April 1, 1996, shall be an amount equal to [one  
44 twenty-sixth,] four and twenty-five hundredths per cent rounded to  
45 the next lower dollar, of [his] the individual's total wages paid during  
46 [that quarter] the two quarters of [his] the individual's current benefit  
47 year's base period in which wages were the highest but not less than  
48 fifteen dollars nor more than the maximum benefit rate as provided in

49 subsection (b) of this section.

50 (b) For an individual not included in subsection (a) of this section,  
 51 the individual's total unemployment benefit rate for [his] the  
 52 individual's benefit year commencing after September 30, 1967, shall  
 53 be an amount equal to [one twenty-sixth,] four and twenty-five  
 54 hundredths per cent rounded to the next lower dollar, of the average  
 55 of [his] the individual's total wages, as defined in subdivision (1) of  
 56 subsection (b) of section 31-222, paid during the two quarters of [his]  
 57 the individual's current benefit year's base period in which such wages  
 58 were highest but not less than fifteen dollars nor more than one  
 59 hundred fifty-six dollars in any benefit year commencing on or after  
 60 the first Sunday in July, 1982, nor more than sixty per cent rounded to  
 61 the next lower dollar of the average wage of production and related  
 62 workers in the state in any benefit year commencing on or after the  
 63 first Sunday in October, 1983, and provided the maximum benefit rate  
 64 in any benefit year commencing on or after the first Sunday in October,  
 65 1988, shall not increase more than eighteen dollars in any benefit year,  
 66 such increase to be effective as of the first Sunday in October of such  
 67 year. The average wage of production and related workers in the state  
 68 shall be determined by the administrator, on or before August fifteenth  
 69 annually, as of the year ended the previous June thirtieth to be  
 70 effective during the benefit year commencing on or after the first  
 71 Sunday of the following October and shall be so determined in  
 72 accordance with the standards for the determination of average  
 73 production wages established by the United States Department of  
 74 Labor, Bureau of Labor Statistics.

75 (c) The administrator shall adopt regulations pursuant to the  
 76 provisions of chapter 54 to implement the provisions of this section.  
 77 Such regulations shall specify the National Council on Compensation  
 78 Insurance employee classification codes [which] that identify  
 79 construction workers covered by subsection (a) of this section and  
 80 specify the manner and format in which employers shall report the  
 81 identification of such workers to the administrator.

82       Sec. 3. Section 31-234 of the general statutes is repealed and the  
83       following is substituted in lieu thereof (*Effective July 1, 2002*):

84       Each individual who is eligible to receive benefits for  
85       unemployment with respect to any week shall be paid with respect to  
86       such week a dependency allowance of [fifteen] twenty-five dollars for  
87       such individual's nonworking spouse, as defined by regulation, living  
88       in the same household with such individual and for each of such  
89       individual's children or stepchildren who at the beginning of the  
90       individual's current benefit year were being wholly or mainly  
91       supported by such individual and were under eighteen years of age or  
92       under twenty-one years of age and in full-time attendance in a  
93       secondary school, a technical school, a college, or state accredited job  
94       training program, or who at the beginning of the individual's benefit  
95       year were mentally or physically handicapped and because of such  
96       handicap were being wholly or mainly supported by such individual,  
97       but in no event shall such allowances exceed the number of whole  
98       dollars in one hundred per cent of the total unemployment benefit rate  
99       of such individual or be paid with respect to more than five  
100       dependents. If the individual acquires any additional dependents in  
101       the course of a benefit year, the dependency allowance shall be  
102       adjusted accordingly during the next following complete calendar  
103       week. Dependency allowances shall be in addition to the  
104       unemployment benefits otherwise payable and shall not be considered  
105       part of an individual's total unemployment benefit rate but shall be  
106       counted in the amount of maximum benefits provided in section 31-  
107       232a and no dependency allowance shall be payable with respect to  
108       any week unless an unemployment benefit is also payable with respect  
109       to such week. If both a husband and a wife receive benefits with  
110       respect to a week of unemployment, neither shall be entitled to a  
111       dependency allowance with respect to the other and only one of them  
112       shall be entitled to a dependency allowance with respect to any child  
113       or stepchild.

114       Sec. 4. Subsection (a) of section 31-235 of the general statutes is

115 repealed and the following is substituted in lieu thereof (*Effective July*  
116 *1, 2002*):

117 (a) An unemployed individual shall be eligible to receive benefits  
118 with respect to any week only if it has been found that (1) [he] the  
119 individual has made claim for benefits in accordance with the  
120 provisions of section 31-240 and has registered for work at the public  
121 employment bureau or other agency designated by the administrator  
122 within such time limits, with such frequency and in such manner as  
123 the administrator may prescribe, provided failure to comply with this  
124 condition may be excused by the administrator upon a showing of  
125 good cause [therefor] for such failure; (2) except as provided in  
126 subsection (b) of this section, [he] the individual is physically and  
127 mentally able to work and is available for work and has been and is  
128 making reasonable efforts to obtain work, provided [he] the individual  
129 shall not be considered to be unavailable for work solely because [he]  
130 (A) the individual has a physical or mental impairment or combination  
131 of impairments that requires the individual to limit the number of  
132 hours the individual may work so long as the individual is available to  
133 work at least twenty hours per week, or (B) the individual is attending  
134 a school, college or university as a regularly enrolled student during  
135 [his] the individual's separation from employment, within the  
136 limitations of subdivision [(a)(6)] (6) of subsection (a) of section 31-236,  
137 as amended by this act, and provided further, [he] the individual shall  
138 not be considered to be lacking in [his] efforts to obtain work if, as a  
139 student, [he] the individual restricts such efforts to employment  
140 [which] that does not conflict with [his] the individual's regular class  
141 hours as a student, and provided the administrator shall not use prior  
142 "patterns of unemployment" of the individual to determine whether  
143 [he] the individual is available for work; (3) [he] the individual has  
144 been paid wages by an employer who was subject to the provisions of  
145 this chapter during the base period of [his] the individual's current  
146 benefit year in an amount at least equal to forty times [his] the  
147 individual's benefit rate for total unemployment: Provided an  
148 unemployed individual who is sixty-two years of age or older and is

149 involuntarily retired under a compulsory retirement policy or contract  
 150 provision shall be eligible for benefits with respect to any week,  
 151 notwithstanding subdivisions (1) and (2) of this [section] subsection, if  
 152 it is found by the administrator that [he] the individual has made claim  
 153 for benefits in accordance with the provisions of section 31-240, has  
 154 registered for work at the public employment bureau, is physically and  
 155 mentally able to work, is available for work, meets the requirements of  
 156 this subdivision and has not refused suitable work to which [he] the  
 157 individual has been referred by the administrator; (4) [he] the  
 158 individual participates in reemployment services, such as job search  
 159 assistance services, if the individual has been determined to be likely  
 160 to exhaust regular benefits and need reemployment services pursuant  
 161 to a profiling system established by the administrator unless the  
 162 administrator determines that (A) the individual has completed such  
 163 services, or (B) there is justifiable cause for the individual's failure to  
 164 participate in such services. The administrator shall adopt regulations,  
 165 in accordance with the provisions of chapter 54, for the administration  
 166 of the profiling system. For purposes of subdivision (2) of this [section]  
 167 subsection, "patterns of unemployment" means regularly recurring  
 168 periods of unemployment of the claimant in the years prior to [his]  
 169 filing the claim in question.

170 Sec. 5. Subpart (A) of subdivision (2) of subsection (a) of section 31-  
 171 236 of the general statutes, as amended by section 1 of public act 01-37,  
 172 is repealed and the following is substituted in lieu thereof (*Effective July*  
 173 *1, 2002*):

174 (2) (A) If, in the opinion of the administrator, the individual has left  
 175 suitable work voluntarily and without good cause attributable to the  
 176 employer, until such individual has earned at least ten times such  
 177 individual's benefit rate, provided whenever an individual voluntarily  
 178 leaves part-time employment under conditions that would render the  
 179 individual ineligible for benefits, such individual's ineligibility shall be  
 180 limited as provided in subsection (b) of this section, if applicable, and  
 181 provided further, no individual shall be ineligible for benefits if the

182 individual leaves suitable work (i) for good cause attributable to the  
 183 employer, including leaving as a result of changes in conditions  
 184 created by the individual's employer, (ii) to care for a seriously ill  
 185 spouse or child, or parent domiciled with the individual, provided  
 186 such illness is documented by a licensed physician, (iii) due to the  
 187 discontinuance of transportation [ other than the individual's  
 188 personally owned vehicle,] used to get to and from work, provided no  
 189 reasonable alternative transportation is available, (iv) due to the  
 190 discontinuance of child care, provided no reasonable alternative child  
 191 care is available, or [(iv)] (v) to protect the individual or a child  
 192 domiciled with the individual from becoming or remaining a victim of  
 193 domestic violence, as defined in section 17b-112a, provided such  
 194 individual has made reasonable efforts to preserve the employment,  
 195 but the employer's account shall not at any time be charged with  
 196 respect to any voluntary leaving that falls under subparagraph  
 197 [(A)(iv)] (A)(v) of this subdivision; or (B) if, in the opinion of the  
 198 administrator, the individual has been discharged or suspended for  
 199 felonious conduct, conduct constituting larceny of property or service,  
 200 the value of which exceeds twenty-five dollars, or larceny of currency,  
 201 regardless of the value of such currency, wilful misconduct in the  
 202 course of the individual's employment, or participation in an illegal  
 203 strike, as determined by state or federal laws or regulations, until such  
 204 individual has earned at least ten times the individual's benefit rate;  
 205 provided an individual who (i) while on layoff from regular work,  
 206 accepts other employment and leaves such other employment when  
 207 recalled by the individual's former employer, (ii) leaves work that is  
 208 outside the individual's regular apprenticeable trade to return to work  
 209 in the individual's regular apprenticeable trade, (iii) has left work  
 210 solely by reason of governmental regulation or statute, or (iv) leaves  
 211 part-time work to accept full-time work, shall not be ineligible on  
 212 account of such leaving and the employer's account shall not at any  
 213 time be charged with respect to such separation, unless such employer  
 214 has elected payments in lieu of contributions.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>

***Statement of Purpose:***

To enhance benefits available under the state's unemployment compensation system.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*